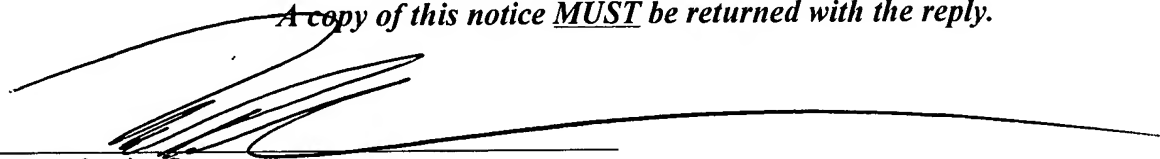


Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
ATTORNEY DOCKET NO.: 057309-5004-US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Robert BARGATZE, et al.)
)
Application No.: 10/780,650) Group Art Unit: 1653
)
Filed: February 19, 2004) Examiner: Unassigned
)
For: **THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE TREATMENT
OF MICROBIAL INFECTIONS**

Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed June 4, 2004.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed. A copy of the Preliminary Amendment filed February 19, 2004, which includes an Abstract, is also enclosed.

2. Declaration Or Oath

- ☐ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☒ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached executed by the remaining inventor.

PATENT
ATTORNEY DOCKET NO.: 057309-5004-US02

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Status

- ☒ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Fee Calculation

			Basic Fee:	
			Patent Application-\$770.00	
			Design Application-\$340.00	PREVIOUSLY PAID
	Number Filed	Number Extra	at a Rate of	
Total Claims	26 - 20	6	\$ 18.00 each=	PREVIOUSLY PAID
Independent Claims	1 - 3	0	\$ 86.00 each=	\$0.00
Multiple dependent claim(s), if any			\$290.00	\$0.00
Missing Parts Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Reduction by 1/2 for filing by a small entity				-\$65.00
SUB-TOTAL =				\$65.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	
TOTAL FILING FEE =				\$65.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$65.00

Total Fee Due \$65.00

- ☒ Please charge Deposit Account No. 50-0310 in the amount of \$65.00 representing the total fee due and the assignment recordation fee.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☒ Copy of Preliminary Amendment including Abstract (Filed February 19, 2004)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Bonnie Weiss McLeod Reg. No. 43,255

Date: August 4, 2004

CUSTOMER NO. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001



COPY

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

New U.S. Patent Application of: BARGATZE ET AL

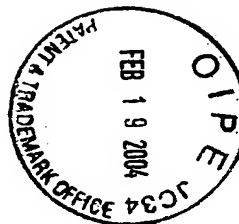
Continuation of Serial No. 09/068,935

For: THERAPEUTIC AND DIAGNOSTIC AGENTS FOR
THE TREATMENT OF MICROBIAL INFECTIONS

ATTENTION: MAIL STOP PATENT APPLICATION

1. Deposit Account No. 50-0310 - \$439.00
2. Transmittal Letter
- ☒ 3. Specification of 92 pages, including 54 claims
- ☒ 4. 5 Sheets of Drawings
- ☒ 5. Preliminary Amendment
- ☒ 6. Copy of Assignment Recordation Documents
- ☒ 7. Information Disclosure Statement and Form PTO-1449 (2 pages)
- ☒ 8. Request to Transfer Sequence Listing

Dated: February 19, 2004
Attorney Docket No.: 057309-5004-US02
(BWM\mah)



DOCKETED

By SB Date 22004